

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No: 3:15-cv-354-MOC-DSC**

LM RESTAURANTS, INC.,

Plaintiff,

v.

**ALE YEAH!, INC., ALE YEAH! ROSWELL,
INC., FILL 'ER UP, LLC, FRANCISCO
VILA AND EDDIE HOLLEY,**

Defendants.

**DECLARATION OF
EMILY M. HAAS**

I, Emily M. Haas, declare that the following is true and based upon my first-hand knowledge unless otherwise indicated:

1. I am a resident of North Carolina, am above the age of eighteen years, and am not subject to any legal disabilities. I make the following statements on my personal knowledge.
2. I am an attorney with Coats & Bennett, PLLC. Coats & Bennett represents the Plaintiff, LMR Restaurants, Inc., in the above captioned matter.
3. Attached to my declaration at Exhibit A is a true and accurate copy of the website at learn.kegerator.com/beer-flights/, as downloaded by Coats & Bennett in September 2015, explaining and defining the term “flights” as it relates to beer.
4. Attached to my declaration at Exhibit B is a true and accurate copy of the FAQ page from Defendants’ website, as downloaded by Coats & Bennett in January 2015.
5. Attached to my declaration at Exhibit C is a true and accurate copy of a record from the United States Patent and Trademark Office’s (“USPTO”) TESS database system,

identifying the VanNesses' application to register the mark ALE YEAH, as downloaded by Coats & Bennett in September 2015.

6. Attached to my declaration at Exhibit D is a true and accurate copy of the notice of opposition filed with the USPTO by Defendants against the VanNesses, as downloaded by Coats & Bennett in September 2015.

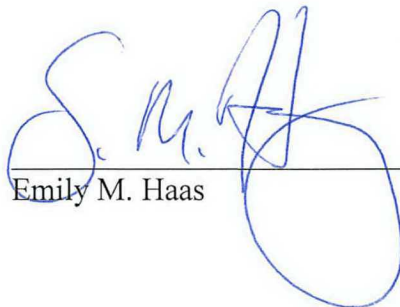
7. Attached to my declaration at Exhibit E is a true and accurate copy of the license agreement between Defendants and the VanNesses. As part of the opposition proceedings between LMR and Defendants at the USPTO's Trademark Trial and Appeal Board, LMR subpoenaed the VanNesses. In January 2015, the VanNesses produced a copy of the licensing agreement in response to that subpoena.

8. Attached to my declaration at Exhibit F is a true and accurate copy of the VanNesses' website, as downloaded by Coats & Bennett in January 2015.

9. Attached to my declaration at Exhibit G is a true and accurate copy of the online store on Defendants' website, as downloaded by Coats & Bennett in October 2015.

10. Attached to my declaration at Exhibits H and I are true and accurate copies of the Carolina Ale House webpages for the Charlotte and Concord locations, respectively.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this the 9th day of October 2015.



Emily M. Haas

Respectfully submitted, this the 9th day of October, 2015.

Coats & Bennett, PLLC
Attorneys for

By: /s/ Anthony J. Biller
Anthony J. Biller
NC State Bar No. 24,117
Emily M. Haas
NC State Bar No. 39,716
1400 Crescent Green, Suite 300
Cary, North Carolina 27518
Telephone: (919) 854-1844
Facsimile: (919) 854-2084
Email: abiller@coatsandbennett.com
ehaas@coatsandbennett.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of October, 2015 a copy of the foregoing **DECLARATION OF EMILY M. HAAS** was filed with the Clerk of Court using the CM/ECF system which will send notification to opposing counsel at the following address:

Derek Jason Allen
Hayley R. Wells
Ward and Smith, P.A.
82 Patton Avenue, Suite 300
Asheville, NC 28801
Email: dja@wardandsmith.com
hrw@wardandsmith.com

Robert S. Bexley
Bexley Law Firm, LLC
4850 Sugarloaf Pkwy, Ste 209 #339
Lawrenceville, GA 30044
Email: robert@bexleylawfirm.com

/s/ Anthony J. Biller
Anthony J. Biller
NC State Bar No. 24,117
1400 Crescent Green, Suite 300
Cary, North Carolina 27518
Telephone: (919) 854-1844
Facsimile: (919) 854-2084
Email: abiller@coatsandbennett.com

Attorneys for Plaintiff